

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL J. QUILLING,

Plaintiff,

File No. 1:03-CV-236

v.

HON. ROBERT HOLMES BELL

TRADE PARTNERS, INC., et al.,

Defendants.

ORDER

This matter is before the Court on Examiner Steven A. Harr's Eighth Interim Application to allow and pay examiner's fees and expenses and attorney's fees and expenses. As part of the procedure adopted in this case, the bulk of the fees and expenses have already been paid, but authority is necessary to pay a ten percent hold back and approve the amount of fees and expenses. There has been no objection to the fees and expenses.

"The primary concern in an attorney fee case is that the fee awarded be reasonable." *Reed v. Rhodes*, 179 F.3d 453, 471 (6th Cir. 1999). In making this reasonableness determination the Sixth Circuit applies the 12-factor test enunciated in *Johnson v. Georgia Highway Express, Inc.*, 488 F.2d 714, 717-19 (5th Cir. 1974), and adopted by the Supreme Court in *Hensley v. Eckerhart*, 461 U.S. 424, 432 (1983). Upon review of the Examiner's application under the 12-factor test, the Court is satisfied that the fees billed were for services actually and necessarily performed in this litigation; that the expenses billed were actually

and necessarily incurred in this litigation; and that the amount of the fees and expenses is reasonable as to the hourly rates charged, the hours expended, and the expenses billed. Accordingly,

IT IS HEREBY ORDERED that Examiner Steven A. Harr's Eighth Interim Fee Application (Docket # 961) is **GRANTED**; the amounts of attorney's fees and expenses set forth in the Application are hereby approved; and the Receiver is hereby authorized to pay Steven A. Harr and Munsch Hardt Koft & Harr, P.C. the sum of \$20,282.20 for attorney fees and expenses, which represents the ten percent hold back for the time period of December 26, 2004, to March 25, 2005.

Dated: May 11, 2005

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
CHIEF UNITED STATES DISTRICT JUDGE